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February 7, 2020

ECF

The Honorable George B. Daniels
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)
Ashton et al. v. al Qaeda et al., 02-cv-6977 (GBD) (SN)
Betru et al. v. Islamic Republic of Iran, 18-cv-8297 (GBD) (SN)

Dear Judge Daniels:

We represent certain of the plaintiffs in the *Ashton* and *Betru* actions, which are part of the 03 MD 1570 multi-district litigation and we write in response to the Court's February 5, 2020 Order. ECF No. 5862. In that Order, the Court noted that Exhibits A1, A2, B1 and B2 to our January 14, 2020 motion for final judgments for estates of individuals killed in the terrorist attacks on September 11, 2001 (ECF No. 5535) identified only the decedents and not the named plaintiffs. The Court directed counsel to "file amended exhibits indicating the name of the individual plaintiff—who must be identified by name on the *Ashton* case docket (*i.e.*, 02 Civ. 6977) (GBD) (SN)—representing each listed decedent." ECF No. 5862 at 2.

In response to that Order, the *Ashton* Plaintiffs hereby submit amended Exhibits A1 and A2 to accompany their motion for default judgment at ECF No. 5862. The amended exhibits include the name of the personal representative of the estate and list the docket on which each plaintiff appears (02-cv-6977). We have cross-referenced each named plaintiff with the *Ashton* Sixth Amended Consolidated Complaint at ECF No. 465 of 02-cv-6977 and confirmed that the named plaintiff and decedent appear on that complaint. Exhibit A1 includes plaintiffs and decedents in cases in which we have confirmed that the decedent was a United States national on September 11, 2001. Exhibit A2 includes those plaintiffs and decedents where the nationality either has not yet been confirmed or where the decedent was not a United States national as of September 11, 2001 (and now includes columns noting nationality information for both the plaintiff and the decedent). All estates were previously awarded partial judgments for the conscious pain and suffering experienced by the decedent.

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There are a two additional changes reflected in the amended Exhibits A1 and A2.

First, as the Court noted in its February 5, 2020 Order, at the time of original filing the *Ashton* Plaintiffs had 386 decedents listed on A1 and 77 listed on A2, for a total of 463 *Ashton* estates. Since originally filing on January 14, 2020, we have been able to confirm that 53 decedents listed on the first Exhibit A2 were United States nationals at the time of their deaths. Accordingly, those individuals have now been moved to Exhibit A1. The amended Exhibit A1 now includes 439 Plaintiffs (on behalf of the decedents' estates) and the Exhibit A2 now includes 24 Plaintiffs (on behalf of the decedents' estates). Should nationality be an issue with respect to granting the pending motion, we ask that any decision regarding Exhibit A2 for those individuals listed with an unconfirmed nationality be made without prejudice to renew once nationality has been ascertained.

Second, we have added the names of co-administrators of the decedents' estates, consistent with the complaint. In those cases, both administrators' names appear in all name columns, with initials and last names accompanied by parenthetical references to the administrator's first name, for ease of reference.

Also, Exhibits A1 and A2 (both the original and the amended) contain only plaintiffs and decedents appearing in the *Ashton* complaint, not the *Betru* member case (whose plaintiffs and decedents appeared only on the original B1 and B2 exhibits). In light of the Court's Order, we are not filing amended B1 or B2 exhibits. ECF No. 5862 at 2.

Finally, in a letter filed last night we asked the Court to so-order a request to substitute or correct the named plaintiff in eight instances and provided the exhibits supporting that request (new letters of administration, and documents showing clerical errors in the original complaint). ECF No. 5873. The amended Exhibits A1 and A2 contain the plaintiffs proposed in last night's letter and can be found at:

- A2 line 1 (Abad) (correction)
- A1 line 120 (Durbin / Passaro) (substituting personal representative)
- A1 line 226 (Kelly) (substituting personal representative)
- A1 line 255 (Lillo) (substituting personal representative)
- A1 line 282 (McLaughlin) (correction)
- A1 line 287 (Merino) (correction)
- A1 line 335 (Perrotta) (correction)
- A1 line 380 (Shamay) (correction)

The February 6, 2020 letter contains the names of the plaintiffs originally captioned on the *Ashton* case. ECF No. 5873 at 2 – 3. Should this Court not grant the letter-request to substitute or correct, we ask that the amended Exhibit A1 be modified to reflect the original named plaintiff (and we are happy to provide such a modified amended Exhibit A1 should the Court want us to do so.)

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We are available to address any additional concerns about the Exhibits A1 and A2 that the Court may have and will promptly respond to any requests for additional information.

Respectfully,

Kreindler & Kreindler LLP

By: /s/ Megan W. Benett

Enclosure